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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,633	09/26/2003	David G. Boyer	502054-A-01-US (Boyer)	8084

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FAIRFIELD, CT 06824

EXAMINER
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MEHRPOUR, NAGHMEH

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/19/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/672,633

Applicant(s)

BOYER ET AL.

Examiner

Naghmeh Mehrpour

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 1-8, 11-13, 16-24**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sahai et al.(US Publication 2002/0076010 A1) in view of Moore et al. (US Publication 2003/0185369)

Regarding claims 1, 12, 17, Sahai teaches an apparatus/method for delivering a voice mail message to a recipient, comprising:

a memory (0026, 0048); and  
at least one processor, coupled to the memory, operative to (0047):  
receive said voice mail message from a sender (0026);  
obtain a presence status of said sender from a presence server (0028); and  
deliver said voice mail message to said recipient to automatically respond to the sender an indication of a presence of said sender (0028, 0037, 0039, 0040, 0041, 0056). Sahi fails to teach an apparatus/method wherein an indication including an identification of at least one device where the sender is present. However, Moore

teaches an apparatus/method wherein an indication including an identification of at least one device where the sender is present (0019, 0088). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Moore with Sahai, in order to increase the flexibility and ease with which parties may establish communications, and to achieve advantage in establishing communications despite the increased use of multiple, and often disparate of communication devices.

Regarding claims 2, 18, Sahai teaches a method/apparatus wherein said presence server extracts presence information from a plurality of presence data stores (0031-0032).

Regarding claims 3, 19, Sahai teaches a method/apparatus of claim 2, wherein said presence server translates said presence information to a standard format (0039, 0040).

Regarding claims 4, 20, Sahai teaches a method/apparatus wherein said presence server determines said presence status of said sender based on one or more rules that aggregate extracted presence information (0032).

Regarding claims 5, 21, Sahai teaches a method/apparatus wherein said recipient responds to said sender in another domain (0032).

Regarding claims 6, 22, Sahai teaches a method/apparatus wherein said presence information indicates if the message sender can be reached at one or more indicated devices (0024, 0032).

Regarding claims 7, Sahai teaches a method of claim 1, wherein said presence information is obtained from a user registration process (0024, 0027).

Regarding claims 8, Sahai teaches a method of claim 1, wherein said presence information is obtained by observing activities of a user (0031, 0032, 0033).

Regarding claims 11, 16, 23, Sahai teaches a method/apparatus wherein said recipient can respond to said sender using a non-textual form of communication (0031).

Regarding claim 13, Sahai teaches a method of claim 12, wherein said providing step allows said recipient to respond to said sender in another domain (0031-0032).

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Regarding claim 24, Sahai teaches an apparatus of claim 17, wherein said presence status indicates a presence status of said sender across a plurality of domains (0032-0033).

2. **Claims 9-10, 14-15**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sahai (US Publication 2002/0076010) in view of Moore et al. (US Publication 2003/0154293) in further view of Haim (US Patent 6,718,014)

Regarding claims 9, 14, Sahai modified by Moore fails to teach a method/apparatus wherein said recipient can respond to said sender in real time. However, Haim teaches a method/apparatus wherein said recipient can respond to said sender in real time (col 4 lines 5-15, col 1 lines 8-14). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Haim with Sahai modified by Moore, in order to notify the user of the incoming telephone call in response to the telecommunication interface intercepting the incoming telephone call prior to ringing of the incoming telephone call.

Regarding claims 10, 15, Sahai modified by Moore fails to teach a method wherein said recipient can respond to said sender in non-real time. Haim teaches a method wherein said recipient can respond to said sender in non-real time (col 1 lines 8-14, col 4 lines 5-15). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Haim with Sahai modified by

Moore, in order to notify the user of the incoming telephone call in response to the telecommunication interface intercepting the incoming telephone call prior to ringing of the incoming telephone call.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument that the Sahai fails to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., *if the called party does not answer, then the method continues at step 408, in step 408 the calling party leaves a voice mail message for the called party*) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### **Conclusion**

4. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**5. Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913. The examiner can normally be reached on 8:00- 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold be reached (571) 272-7905.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

April 16, 2007

A handwritten signature in black ink, consisting of a large, stylized 'N' followed by a series of loops and a final flourish.

NAGHMEH MEHRPOUR  
PRIMARY EXAMINER